

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

VAN C. JACKSON, JR.,

Plaintiff,

ORDER

v.

Case No. 25-cv-360-jdp

MARINO, et al.

Defendants.

On May 6, 2025, I ordered plaintiff Van C. Jackson, Jr. to make an initial partial payment of the filing fee in the amount of \$1.40 by May 28, 2025. Now plaintiff has filed a letter, which I construe as a motion, for an order directing prison officials to allow the plaintiff to withdraw \$1.40 from a release account to make the payment. I will grant the motion.

Under the Prison Litigation Reform Act, an inmate who files a lawsuit in federal court under the *in forma pauperis* statute, 28 U.S.C. § 1915, must pay the \$350 filing fee, first by making an initial partial payment under § 1915(b)(1), and then by paying the remainder of the filing fee in monthly installments under § 1915(b)(2). If a prisoner does not have sufficient funds in a regular inmate account to make the initial partial payment, then the prisoner may withdraw funds from a release account. However, prison officials will draw funds first from the prisoner's regular account and any portion of the initial partial payment remaining from the prisoner's release account. *Carter v. Bennett*, 399 F. Supp. 2d 936, 937 (W.D. Wis. 2005).

Plaintiff's regular account lacks sufficient funds to make the initial partial payment of the filing fee. Accordingly, I will direct prison officials to allow plaintiff to withdraw up to \$1.40 from a release account to make the payment.

ORDER

IT IS ORDERED that prison officials shall disburse up to \$1.40 from plaintiff's release account to satisfy the initial partial payment of the filing fee. Plaintiff's initial partial payment is due by June 27, 2025.

Entered this 5th day of June, 2025.

BY THE COURT:

/s/
ANDREW R. WISEMAN
United States Magistrate Judge